IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10632 OF 2025

Bharat Gowardhan Patil and ors. ...Petitioners

Versus

Naresh Jagannath Patil and ors. ...Respondents

Mr. Aishwary Dolas, i/b Sachin Dhakephalkar, for the Petitioners.
Mr. Rananaware D. D., for the Respondents.
Miss. T. J. Kapre, AGP for the State.

CORAM: N. J. JAMADAR, J.
DATED : 6th AUGUST, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.

2. The challenge in this petition is to an order dated 13th June, 2025 passed by the Sub-Divisional Officer, Panvel, in Tenancy Appeal No.290 of 2025, whereby the Sub-Divisional Officer allowed an appeal against an order passed by the Agricultural Land Tribunal ("ALT") rejecting the application preferred by respondent Nos.1 and 2 in Tenancy Case No.SR/43/2023 to implead them as party respondents in the said proceeding and directed the ALT to implead respondent Nos.1 and 2 as party respondents to the said tenancy case.

3. Respondent Nos.1 and 2 had filed the appeal on 12th June, 2025. On the very next day, without providing any opportunity

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of hearing, the Sub-Divisional Officer allowed the appeal and directed the ALT to implead respondent Nos.1 and 2 as party respondents and hear them in the said tenancy case.

4. The learned Counsel for the petitioners submitted that the impugned order was passed without providing any opportunity of hearing to the petitioners, though the petitioners were heard by the ALT and after considering the objection of the petitioners to the impleadment of respondent Nos.1 and 2, the application was rejected.

5. Miss. Kapre, the learned AGP, would urge that the petitioners have an efficacious remedy of preferring a revision before the Maharashtra Revenue Tribunal under Section 76 of The Maharashtra Tenancy and Agricultural Lands Act, 1947. Therefore, this Court may not entertain this petition.

6. Mr. Rananaware, the learned Counsel for respondent Nos.1 and 2, submitted that though the petitioners were not heard, when the Sub-Divisional Officer passed the order, yet, on merits, respondent Nos.1 and 2 have a very strong case for impleadment in the tenancy proceeding.

7. The aforesaid submissions of the learned AGP and learned Counsel for respondent Nos.1 and 2 simply do not merit countenance. The impugned order has been passed in flagrant

violation of the principles of natural justice and fundamental principles of judicial process. In such a situation, the availability of alternate remedy, which is a self imposed restraint in the matter of exercise of writ jurisdiction, does not preclude this Court from interfering with a patently illegal order. The impugned order cannot be sustained under any circumstances.

8. It would, therefore, be expedient to set aside the impugned order and restore Tenancy Appeal No.290 of 2025 to the file of the Sub-Divisional Officer with a direction to hear and decide the said appeal after providing an opportunity of hearing to the parties, including the petitioners.

9. Hence, the following order:

: O R D E R :

(i) The petition stands allowed.

(ii) The impugned order stands quashed and set aside.

(iii) Tenancy Appeal No.290 of 2025 stands restored to the file of the Sub-Divisional Officer.

(iv) The Sub-Divisional Officer shall decide the appeal after providing an effective opportunity of hearing to the parties including the petitioners as expeditiously as possible.

(v) The parties shall appear before the Sub-Divisional Officer on 18th August, 2025 at 3.00 pm.

(vi) The petition stands disposed.

[N. J. JAMADAR, J.]